

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

**GARY WASHINGTON,**

\*

**Plaintiff,**

\*

**v.**

**Civil No.: 1:19-cv-02473-SAG**

\*

**BALTIMORE POLICE  
DEPARTMENT, *et al.*,**

\*

**Defendants.**

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\* \* \* \* \*

**MOTION TO DISMISS AMENDED COMPLAINT**

Defendants Baltimore Police Department and the Mayor and City Council hereby move to dismiss all claims asserted against them pursuant to Federal Rule of Civil Procedure 12(b)(6) because the Complaint fails to state a claim upon which relief can be granted. Alternatively, and in addition, Defendant BPD moves to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(1) because BPD has immunity from suit in federal court pursuant to the Eleventh Amendment to the United States Constitution. Defendants have attached a memorandum of law in support of this motion.

WHEREFORE, Defendants respectfully request that this Honorable Court issue an Order dismissing the Amended Complaint against them with prejudice and without leave to amend.

Respectfully submitted,

Andre M. Davis (362)  
CITY SOLICITOR

/s/

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*Attorneys for BPD and MCC*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on December 2, 2019, a copy of the foregoing Motion to Dismiss, Supporting Memorandum of Law, and Proposed Order, were filed with the United States District Court for the District of Maryland and forwarded to all counsel of record via CM/ECF. A courtesy copy was delivered to: United States District Court for the District of Maryland, Attn: Clerk's Office, 101 West Lombard Street, Baltimore, Maryland 21201.

/s/

Natalie R. Amato (20749)